

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

STEVEN RODRIGUEZ,

Plaintiff,

v.

**9:10-CV-88
(FJS/CFH)**

**B. DROLLETTE, Correctional Officer, Clinton
Correctional Facility,**

Defendant.

APPEARANCES

OF COUNSEL

STEVEN RODRIGUEZ

07-A-5946

Great Meadow Correctional Facility

P. O. Box 51

Comstock, New York 12821

Plaintiff *pro se*

**OFFICE OF THE NEW YORK STATE
ATTORNEY GENERAL**

The Capitol

Albany, New York 12224

Attorneys for Defendant

CHARLES J. QUACKENBUSH, AAG

SCULLIN, Senior Judge

ORDER

Currently before the Court is Magistrate Judge Hummel's October 10, 2012 Report-Recommendation and Order, in which he recommended that this Court grant Defendant's motion for summary judgment. See Dkt. No. 67. The parties did not file any objections to its recommendation.

When a party does not object to a magistrate judge's report-recommendation, the court reviews that report-recommendation for clear error or manifest injustice. *See Linares v. Mahunik*, No. 9:05-CV-625, 2009 WL 3165660, *10 (N.D.N.Y. July 16, 2009) (citation and footnote omitted). After conducting this review, "the Court may 'accept, reject, or modify in whole or in part, the . . . recommendations made by the magistrate judge.'" *Id.* (quoting 28 U.S.C. § 636(b)(1)(C)).

The Court has reviewed Magistrate Judge Hummel's October 10, 2012 Report-Recommendation and Order for clear error and manifest injustice; and, finding none, the Court hereby

ORDERS that Magistrate Judge Hummel's October 10, 2012 Report-Recommendation and Order is **ACCEPTED in its entirety** for the reasons stated therein; and the Court further

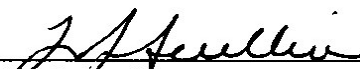
ORDERS that Defendant's motion for summary judgment is **GRANTED**; and the Court further

ORDERS that the Clerk of the Court shall enter judgment in favor of Defendants¹ and close this case; and the Court further

ORDERS that the Clerk of the Court shall serve a copy of this Order on the parties in accordance with the Local Rules.

IT IS SO ORDERED.

Dated: October 31, 2012
Syracuse, New York



Frederick J. Scullin, Jr.
Senior United States District Court Judge

¹By Order dated September 12, 2011, the Court granted Defendants Mitchell, Grimshaw and Baxter's motion for summary judgment. See Dkt. No. 59.